

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 05-cr-057-JD

Gordon Reid

O R D E R

Gordon Reid moves for an order requiring the United States Attorney to run a criminal record check on witnesses included on the government's witness list. The government is obligated to disclose exculpatory and impeachment information that is in the possession of or known to the government. United States v. Bender, 304 F.3d 161, 164 (1st Cir. 2002). The government is not obligated, however, to investigate or seek out and disclose information that is not in the government's possession or known to it. Id.; see also United States v. Rodriguez, 390 F.3d 1, 30 (1st Cir. 2004).

Therefore, the government is obligated to turn over any information in its possession related to Reid's request but is not required to run criminal record checks on witnesses who are not known to have criminal records.

Conclusion

For the foregoing reasons, the defendant's motion to compel (document 143) is granted to the limited extent explained in this order and is otherwise denied.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

February 13, 2006

cc: Gordon Reid, pro se
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Clyde R. W. Garrigan, Esquire
Michael Iacopino, Esquire